

G3FAKNICps

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
-----x

3 UNITED STATES OF AMERICA,

4 v.

13-cr-795 (RWS)

5 RYAN KNIGHTS and
6 JORDAN KAPCHAN,

7 Defendants.
-----x

8 New York, N.Y.
9 March 15, 2016
10 4:10 p.m.

11 Before:

12 HON. ROBERT W. SWEET

13 District Judge

14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the
17 Southern District of New York

18 BY: EMIL J. BOVE, III, ESQ.
19 Assistant United States Attorney

20 SUSAN J. WALSH, ESQ.

21 JOHN P. BUZA, ESQ. (CJA Mentoring Program)
22 Attorneys for Defendant Knights

23 JAMES J. O'ROURKE, III, ESQ.

24 Attorney for Defendant Kapchan

G3FAKNICps

1 (In open court)

2 THE CLERK: United States of America v. Ryan Knights
3 and Jordan Kapchan. Government, are you ready?

4 MR. BOVE: Yes. Thank you. Good afternoon, your
5 Honor. Emil Bove for the government.

6 THE CLERK: Defendant, are you ready?

7 MS. WALSH: Yes, your Honor. Susan Walsh on behalf of
8 Mr. Ryan Knights, to my left. Also on behalf of Mr. Knights is
9 my colleague, John Buza, who is in the mentoring program. With
10 the Court's permission I ask that he be permitted --

11 THE COURT: Sure.

12 MS. WALSH: Thank you.

13 THE COURT: I'm delighted to have him.

14 MR. O'ROURKE: Good afternoon, your Honor. James
15 O'Rourke on behalf of Jordan Kapchan.

16 THE COURT: What would you all like to achieve this
17 afternoon?

18 MR. BOVE: Your Honor, the parties are prepared, I
19 believe, to proceed to trial, and I have a pretrial motion
20 schedule to propose, and then we're seeking a trial date, to
21 the extent the Court is available, in September or October of
22 this year.

23 THE COURT: Are there going to be any motions?

24 MR. BOVE: My understanding is that defense counsel is
25 still evaluating whether or not to file motions, and so they

G3FAKNICps

would ask for a little bit more time to do so. We would propose that any motions be filed by August 12, with the government's response two weeks later by August 26, that those are cued up in early September. And then the parties would be prepared to proceed with whatever schedule your Honor would like to set.

THE COURT: OK. So you say motions to be made by?

MR. BOVE: August 12 is our proposal, your Honor.

THE COURT: OK. And so they would be returnable sometime thereafter. And then trial?

MR. BOVE: Government opposition due on the 26th.

THE COURT: OK.

MR. BOVE: And then replies if necessary seven days after that.

THE COURT: And so it makes sense that we hear it on the 8th. That sounds about right, doesn't it?

MR. BOVE: Yes, your Honor.

THE COURT: And then after that we'll set a trial -- well, look, do we want to try to set a tentative trial date now? Let me ask you, the motions are dispositive motions or evidentiary or whatever? What? We don't know.

MR. BOVE: Well, I would propose to use that August 12th date for dispositive motions, and then perhaps set a separate schedule.

THE COURT: Yes. I think that probably makes sense.

G3FAKNICps

1 OK. And we'll stop the clock until September 8 to give the
2 defense an opportunity to determine motions and make motions if
3 necessary, etc., etc.

4 Anything further?

5 MR. BOVE: Yes, your Honor, if I may. The Court has
6 been very permissive in the scheduling so far in this case,
7 allowing the parties a great deal of time to engage in plea
8 negotiations to the extent that either of these defendants is
9 interested in doing so. I do think that we're at the point
10 where it would be productive to set a trial date, with the
11 expectation, it is government's understanding at this point
12 that Mr. Knights intends to proceed to trial. I think for all
13 parties involved having a firm date set for planning purpose,
14 to the extent the Court has availability --

15 THE COURT: It's OK with me. How long is the
16 government's case, do you think?

17 MR. BOVE: I would anticipate two weeks maximum, your
18 Honor.

19 THE COURT: Pardon me?

20 MR. BOVE: Approximately two weeks.

21 THE COURT: Well, what do you all think? Let's see.
22 The motions will be heard on the 8th. Would it make sense to
23 talk about October 3 as a trial date?

24 MR. BOVE: That works for the government, your Honor.
25 Thank you.

G3FAKNICps

1 THE COURT: OK?

2 MS. WALSH: Yes. I think that makes sense, your
3 Honor. October 3 is fine.

4 THE COURT: All right. Thank you all very much.

5 Anything else?

6 MR. BOVE: Is there a time that your Honor would like
7 to set on the 8th to see us?

8 THE COURT: Pardon me?

9 MR. BOVE: A time on the 8th of September that your
10 Honor would like to see us?

11 THE COURT: It would be noon.

12 MR. BOVE: Thank you very much.

13 THE COURT: OK. Thank you all.

14 MS. WALSH: Thank you very much, your Honor.

15 o0o

16

17

18

19

20

21

22

23

24

25